

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

JUN 27 2017

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE KANE KICKING WOMAN,

Defendant.

CR-13-94-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 12, 2017. (Doc. 57.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 31, 2017. (Doc. 53.) Kicking Woman admitted to having violated the conditions of his supervised release by using methamphetamine and failing to participate in substance abuse treatment. (Doc. 57 at 1.) Judge Johnston found the evidence sufficient to establish

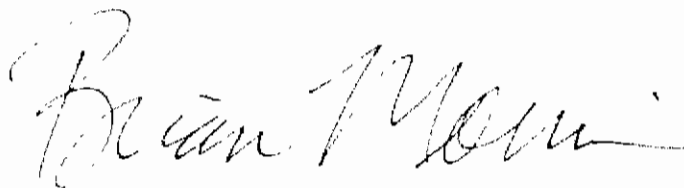
that Kicking Woman violated the conditions of his supervised release. *Id.* Judge Johnston recommends this Court revoke Kicking Woman's supervised release and that the Court sentence Kicking Woman to ten (10) months imprisonment followed by no supervised release. (Doc. 57 at 5.)

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Kicking Woman's current violations are serious and warrant revocation of his supervised release. A sentence of ten (10) months imprisonment with no supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 57) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Kyle Kane Kicking Woman shall be sentenced to **ten (10) months imprisonment** followed by **no supervised release**.

DATED this 27th day of June, 2017.

A handwritten signature in cursive script, appearing to read "Brian Morris", written in black ink. The signature is fluid and stylized, with a long horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge